REMARKS

In response to the Final Office Action mailed September 3, 2003, Applicant respectfully requests entry of this amendment and reconsideration of the claims. Claims 1, 3, 5-11 and 13-17 are pending in this application, of which claims 1, 3, 16 and 17 are independent claims. By this amendment, Applicant is amending claim 3. This amendment to claim 3 does not present any new issues requiring additional searching and is therefore permissible under 37 C.F.R. 1.116. No new matter has been added.

1. Allowable Subject Matter

Applicant notes with appreciation that claims 1,.5-11 and 13-17 are allowed.

2. Rejections Under 35 U.S.C. §102

Claim 3 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,767,441 to Brorein et al. (hereinafter Brorein). Applicant has amended claim 3 to further distinguish over Brorein, thereby overcoming the rejection.

The Examiner asserts, in the Office Action, that Brorein discloses an electrical cable (see Fig. 3D) for transmitting analog and digital signals including a plurality of twisted pairs, each twisted pair including two conductor assemblies (80, 90), wherein the first assembly (80), as shown in Fig. 3D, comprises a first conductor (82) which is closer to a second conductor (84) of the second assembly (90) than to an outer surface (100, 200) opposite the conductors (82, 84), at least one layer of insulator surrounding the first conductor (82), wherein an inner edge of the first assembly (80) is defined by a surface of the first assembly (80) closest to the second conductor assembly (90) in the same pair, and an outer edge of the first assembly (80) is defined by a surface (100) of the first assembly (80) farthest from the second conductor assembly (90) in the same pair (see Fig. 3D).

Applicant's claim 3, as amended, recites, *inter alia*, a "first conductor being closer to a second conductor of a second assembly than to an outer surface opposite said conductors over the length of the pair." By contrast, Brorein discloses a pre-twisted wire pair wherein the angular positions of each wire do not remain constant as they rotate about their own axis at different rates. Thus, according to Brorein, the line of contact between the surfaces of each wire is constantly changing so that no point on the surface of one wire stays in contact with any

other point on the surface of the other wire through any given twisted length, thereby cycling the variations in spacing between centers of the conductors caused by ovality or out-of-roundness of the surrounding insulation (col. 5, lines 10-20). Referring to Fig. 3D, Brorein discloses that the conductor-to-conductor spacing, S, is varied within each pre-twist length, LL and thus the wires rotate with respect to one another within the pre-twist length (col. 11, lines 22-37). As can be seen from Fig. 3D, Brorein discloses that (desirably) the spacing between the conductors is varies over the length of the twisted pair, with the conductors sometimes being closer to one another than to an outer edge of the insulation and sometimes not. Brorein discloses that this cycling is advantageous and helps to overcome transmission problems that may arise due to asymmetry of the insulation layers etc. (col. 1, line 41 - col. 2 , line 40). Brorein does not disclose or suggest a twisted pair wherein "a first conductor being closer to a second conductor of a second assembly than to an outer surface opposite said conductors over the length of the pair." In addition, the Examiner indicates in the "statement of reasons for allowance" that the "invention deals with a twisted pair cable wherein the conductor of the first assembly is closer to a conductor of the second assembly than an outer surface opposite the conductors, wherein the outer edge of the first assembly is farther from the first conductor than the inner edge of the first assembly over the length of the pair," and that these limitations are not taught or suggested by the art of record. Therefore, for at least these reasons, Applicant's claim 3, as amended, is not anticipated by Brorein. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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